

**To:** Jervis, Rick[rjervis@usatoday.com]  
**From:** Daguillard, Robert  
**Sent:** Tue 8/11/2015 8:27:49 PM  
**Subject:** RE: USA TODAY request

FYI:

<http://www2.epa.gov/region8/gold-king-mine-release-emergency-response>

## **BACKGROUND**

On August 5, while investigating the Gold King Mine in Colorado, the EPA and State Division of Reclamation Mining and Safety triggered a large release of mine wastewater into Cement Creek. The EPA is working closely with first responders and local and state officials to monitor water contaminated by the release. The release's path flows through 3 of the EPA's regions (Region 8 (Colorado/Utah & Southern Ute Tribe); Region 6 (New Mexico), and Region 9 (Navajo Nation). The EPA has activated its Emergency Operations System to ensure coordination among its regions, laboratories and national program offices in Washington, D.C. The EPA is closely coordinating with the officials in Colorado, New Mexico, Utah, Southern Ute Tribe and Navajo Nation.

For the latest information, photos, and the data when available, visit:  
[http://epaossc.org/site/site\\_profile.aspx?site\\_id=11082](http://epaossc.org/site/site_profile.aspx?site_id=11082).

- **Claims process**

A claims process exists for compensating citizens who suffer personal injury or property damage caused by U.S. government actions. The process is available in the EPA's regulations at 40 CFR Part 10, and includes guidance on documentation that may be required to support claims for loss of employment and loss of income, among other claims.

Claims for monetary compensation may be filed by submitting a Standard Form 95 specifying the nature of the loss suffered and the EPA actions, if known, causing the loss or damage to property, to either of the following contacts:

Richard Feldman

Claims Officer

U.S. EPA Office of General Counsel

1200 Pennsylvania Avenue, NW (MC 2399A)

Washington, D.C. 20460

Michael Nelson

U.S. EPA Region 8 Office of Regional Counsel

1595 Wynkoop Street (MC 8RC)

Denver, CO 80202

Alternatively, claimants may submit signed electronic versions of Standard Form 95 to the EPA for the Gold King Mine Release via e-mail at [R8\\_GKM\\_Claims@epa.gov](mailto:R8_GKM_Claims@epa.gov) beginning Tuesday, August 11, 2015.

The fillable PDF version of Standard Form 95 is available in the documents section of this website or via the link below:

<http://www.epaossc.org/sites/11082/files/StandardForm95.pdf>

Standard Form 95 is used to present claims against the United States under the Federal Tort Claims Act (FTCA) for property damage, personal injury, or death allegedly caused by a federal employee's negligence or wrongful act or omission occurring within the scope of the employee's federal employment.

Standard Form 95 is not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim. Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Although the EPA's regulations state that the EPA has 6 months to resolve a claim, the Agency will make every effort to respond to Gold King Mine release claims as soon as possible. Claims must be presented to the EPA within two years after the claim accrues.

**From:** Jervis, Rick [mailto:[rjervis@usatoday.com](mailto:rjervis@usatoday.com)]

**Sent:** Tuesday, August 11, 2015 3:32 PM

**To:** Daguillard, Robert

**Subject:** USA TODAY request

Robert –

Good talking to you.

Please forward me any information on the claims process or any other statements/info on the Animas River contamination.

Thanks.

Rick Jervis

USA TODAY

512-533-2203 (o)

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